

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CHRIS DARRYL DRYE,)	
)	
Petitioner,)	
)	
v.)	1:09CV118
)	
ALVIN W. KELLER, JR.,)	
)	
Respondent.)	

ORDER

On May 8, 2009, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner filed a general objection to the Recommendation (Doc. 18) within the time limit prescribed by Section 636.

Notwithstanding the general objection, the court has reviewed Petitioner's objection de novo and finds it does not change the substance of the United States Magistrate Judge's rulings which are affirmed and adopted.¹

IT IS THEREFORE ORDERED that Petitioner's motion for summary judgment (Doc. 15) is denied, that Respondent's motion to dismiss (Doc. 8) is granted, that the petition (Doc. 2) is dismissed, that this action is dismissed, and that finding no substantial issue for appeal concerning the denial of a constitutional right

¹ The court does note that at page 2 of the Recommendation the date "April 26, 2009" should instead be "April 26, 2006." Other than that minor amendment, the Recommendation is adopted in its entirety.

affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.

William L. Osteen, Jr.
United States District Judge

September 4, 2009